

RESOLUTION No. 14-131

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NIGHT CLUB ON APPROXIMATELY .859-ACRE ZONED CBD CENTRAL BUSINESS DISTRICT (CBD), GENERALLY LOCATED NORTH OF WEST DOUGLAS AVENUE, EAST OF NORTH HANDLEY STREET AND SOUTH OF WEST PEARL STREET, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow a “wrecking and salvage yard,” on approximately 8.1 acres zoned LI Limited Industrial legally described below:

Case No. CON2014-00011 (associated with ZON2014-00003)

A Conditional Use to allow a “wrecking and salvage yard,” on approximately 8.1 acres zoned LI Limited Industrial District described as:

A tract of land Beginning 545 feet West and 426 feet North of the Southeast corner of the Southeast Quarter; thence North 180 feet; thence West 85 feet; thence North 250 feet; thence West 195 feet; thence South 430 feet; thence East 280 feet to the point of beginning, Section 34, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

AND

A tract of land Beginning 545 feet West and 606 feet North of the Southeast corner of the Southeast Quarter; thence North 250 feet; thence West 85 feet; thence South 250 feet; thence East 85 feet to the point of beginning, Section 34, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

AND

A tract of land Beginning 425 feet North of the Southeast corner of the Southeast Quarter; thence North 180 feet; thence West 545 feet; thence South 180 feet; thence East 545 feet to the point of beginning, Section 34, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

AND

A tract of land Beginning 825 FT West and 426 feet North of the Southeast corner of the Southeast Quarter; thence North 430 feet; thence West 320 feet; thence South 430.83 feet; thence East 320 feet to the point of beginning, Section 34, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Platting within one year.
2. The Conditional Use permits a vehicle wrecking/salvage yard.
3. The site shall be developed, operated and maintained in compliance with UZC, Art III, Sec. III-D.6.e; the conditions of approval contained in the Conditional Use and all other applicable codes, regulations or licenses, including, but not limited to the Unified Zoning Code, fire, health and environmental regulations.

4. Within six months of final approval, code required screening shall be installed (Sec. IV-B.3.h) and shall be maintained. At the time of approval, screening along the west property line and the easternmost 515 feet of the site's northern property line was either missing or not in compliance.
5. If not present at the time of final approval, the applicant shall provide at least 11 paved parking spaces within six months of final approval.
6. Stored materials, containers or bales shall be stored on a surface approved by the Office of Central Inspection.
7. If necessary, a revised site plan addressing the conditions of approval shall be submitted for Planning Director's consideration within 60 days of final approval.
8. Storage of all of vehicles shall be organized and be maintained in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding. Inoperable vehicles or any other materials associated with the wrecking and salvage activities shall not be stacked, stored or piled higher than the screening required to hide the vehicles or material from ground level view.
9. The applicant shall maintain at all times an active program for the eradication and control of rodents.
10. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
11. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the site shall be provided by fire lanes per the direction and approval of the Fire Department.
12. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the Environmental Services.
13. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.
14. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date
My 13, 2014.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney